

**Response to Comments**  
**CHAPTER 13. STATE AGENCY**  
**COMMENTS**

## Comment Letter S001 (Moses Stites, Public Utilities Commission, April 26, 2010)

S001

Kris Livingston

**From:** Stites, Moses [moses.stites@cpuc.ca.gov]  
**Sent:** Monday, April 26, 2010 3:50 PM  
**To:** HSR Comments  
**Cc:** Schumacher, Kevin; Ko, Felix  
**Subject:** "Bay Area to Central Valley Revised Draft Program EIR Material Comments"  
**Attachments:** hst revision.pdf

Dan,

Here is the CPUC comment letter on the above referenced project.

Thank you.

Moses

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

PUBLIC UTILITIES COMMISSION  
 505 VAN NESS AVENUE  
 SAN FRANCISCO, CA 94102-3299



April 26, 2010

Dan Leavitt  
 Deputy Director  
 California High-Speed Rail Authority  
 925 L Street, Suite 1425  
 Sacramento, CA 95814

Re: Notice of Completion, Revised Draft Environmental Impact Report (DEIR)  
 Bay Area to Central Valley Revised Draft Program EIR Material  
 SCH# 2005112051

Dear Mr. Leavitt:

According to the project description, the California High-speed Rail authority (Authority), jointly with the Federal Railroad Administration (FRA), completed the final Bay Area to Central Valley High-Speed Train (HST) Program Environmental Impact Statement (EIR/EIS) in May 2008 that evaluated alternatives-at a programmatic level of analysis-of the proposed HST system within the broad corridor between and including the Altamont Pass and Pacheco Pass. The Authority and FRA identified the Pacheco Pass serving San Francisco and San Jose termini as the preferred HST network Alternative, as well as mitigation strategies, design practices, and further measures to guide the system's development and avoid and minimize potential adverse environmental impacts. The Authority approved the project and issued a California Environmental Quality Act (CEQA) Notice of Determination (NOD) on July 9, 2008. The FRA issued a National Environmental Policy Act Record of Decision on December 2, 2008.

The Authority's compliance with CEQA was challenged in litigation titled Town of Atherton, et al., v. California High-Speed Rail Authority, Sacramento Superior Court No. 34-2008-80000022. In the final judgment for litigation, entered on November 9, 2009, the superior court concluded that the authority's certified Final Bay Area to Central Valley HST Program EIR failed to comply fully with CEQA and identified three areas that required additional analysis in a recirculated EIR. To comply with the court judgment, the Authority rescinded its certification of the Final Bay Area to Central Valley HST Program EIR, its approval of the Pacheco Pass Network Alternative serving San Francisco via San Jose, and related documents. The Authority circulated a revised Draft Program EIR material as part of its compliance with the court judgment.

The California Public Utilities Commission (Commission) is on record that our previous letter dated March 10, 2009 for the segment from San Francisco to San Jose and letter dated April 10, 2009 for the San Jose to Merced are applicable to this Revised Draft Program EIR Material.

The relevant comments in the Notice of Preparation (NOP) comment letters cover the Commission's Requirements and Policies related to General Orders, specific project/segment comments and CEQA compliance for the HST project including this latest revised EIR material.

S001-1

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**Comment Letter S001 - Continued**

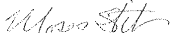
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Dan Leavitt  
California High-Speed Rail Authority  
SCH #2005112051  
April 26, 2010  
Page 2 of 2

We will provide additional project specific comments once the project level environmental documents are available for review and comment by the Authority.

Thank you for your consideration of these comments. If you have any questions in this matter, please call me at (415) 713-0092 or email me at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,



Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814

S001-1  
cont.

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**Response to Letter S001 (Moses Stites, Public Utilities Commission, April 26, 2010)**

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**S001-1**

Comment acknowledged.

## Comment Letter S002 (Tom Dumas, Department of Transportation, April 26, 2010)

S002

### Kris Livingston

**From:** Tom Dumas [tom\_dumas@dot.ca.gov]  
**Sent:** Monday, April 26, 2010 4:45 PM  
**To:** HSR Comments  
**Cc:** Tom Dumas; John Gedney  
**Subject:** Caltrans HST DEIR response comments  
**Attachments:** HSR\_Comment\_NOP\_LTR\_BayArea\_CentralValley.pdf

Hello Mr. Leavitt,

Please find the attached response comments:

(See attached file: HSR\_Comment\_NOP\_LTR\_BayArea\_CentralValley.pdf)

Thank you,

Tom Dumas , Chief,  
Office of Metropolitan Planning

Office (209) 941-1921  
 Cell (209) 482-5472  
 Fax (209) 948-7164

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

### DEPARTMENT OF TRANSPORTATION

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April 26, 2010

Bay Area to Central Valley High-Speed Train  
Revised Draft Program EIR

Dan Leavitt, Deputy Director  
California High Speed Rail authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Dear Mr. Leavitt:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the "Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report (EIR) Material" for the proposed California High-Speed Train Project (HST), Bay Area to Central Valley segment.

The primary area of concern for Caltrans related to the proposed HST and associated projects, is the potential for construction and operational impacts to the State Highway System (SHS). The design of any HST project within and near the SHS must be coordinated with Caltrans to ensure all physical and operational impacts on the SHS are mitigated. To that end, the California High Speed Rail Authority (Authority) should continue inviting Caltrans Districts in which HST projects reside to be participating agencies in the analyses of project alternatives and environmental studies.

The following comments focus on areas that need to be addressed regarding the implementation of the HST project and the potential impacts to both State facilities and the surrounding local jurisdictional areas.

### Project Understanding

The California High Speed Rail Authority and the San Joaquin Regional Rail Commission (SJRR) are proposing to construct, operate, and maintain an electric-powered steel-wheel-on-steel-rail high-speed train (HST) between the San Francisco/Oakland Bay Area and Central Valley of California. The California HST System is about 800 miles long, capable of operating speeds of 220 mph on most dedicated, fully grade-separated tracks, with state-of-the-art safety, signaling, and automated train control system.

*"Caltrans improves mobility across California"*

**Comment Letter S002 - Continued**

Mr. Dan Leavitt  
April 26, 2010  
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The DEIR for this HST project indicates that the project may entail crossing points of, and route sections parallel to, numerous existing SHS and rail facilities. These facilities may include, but are not limited to: I-5, SR-12, SR-99, SR-4, SR-26, SR 33, SR-120, SR-132, SR-140, SR-152, SR-165 and rail facilities operated by Burlington Northern Santa Fe (BNSF) and Union Pacific (UP).

**Coordination with State, Regional and Local Partners**

Caltrans strongly encourages ongoing consultation and coordination with regional and local partners. These partners include, but are not limited to: cities and counties, Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs), as well as local and regional transit operators. Continued coordination with these agencies, local jurisdictions, and Caltrans will help assure that the impacts of the planned project are fully disclosed to all affected communities.

It is important that the Authority coordinate with all planned Regional Transportation Plan (RTP) projects along State highway facilities during all phases of project development. Transit improvements to increase mobility throughout the SHS should also be considered during all phases of project development.

The Authority should include a Context-Sensitive Solutions approach for all potential HST project to ensure close coordination with regional and local jurisdictions and the affected community to encourage ownership in the proposed HST Project.

**Traffic Impact Analysis**

The planned project includes new HST Stations that will result in traffic circulation reconfiguration and traffic impacts in and around proposed HST stations. At such time as specific station locations are selected, detailed traffic operational studies must be conducted to evaluate direct impacts upon the surrounding roadway network. At a minimum, the detailed operational analysis must provide quantification of lane storage, queuing requirements, and safety assessments.

The geographic area examined in the detailed traffic study should include as a minimum all regionally significant arterial system segments and intersections, including State highway facilities.

Caltrans endeavors that any direct and cumulative impacts to the State highway system be eliminated or reduced to a less-than-significant level pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA).

Mitigation measures and mitigation monitoring programs for projects on the SHS should be coordinated with Caltrans to ensure the appropriate mitigation is implemented.

Specific to the revised DEIR, on page 7 of exhibit B, table 4-1: Please explain why some of the 2030 No-Build V/C ratio and LOS show improvement when compared to the 2005. The footnote #3 does not clearly state what capacity improvements will be taking place. Please provide a list of projects that were included in the analysis.

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Mr. Dan Leavitt  
April 26, 2010  
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**Alternatives Analysis and Preliminary Engineering**

The Authority should coordinate with Caltrans regarding all selected alternatives impacting the State R/W. Preliminary engineering plans for all alternatives should be submitted to Caltrans for evaluation and review. All future development adjacent to a State Route, whether the entitlement is deemed by the Authority to be discretionary or ministerial, should be submitted to Caltrans for review.

**Traffic Control Plan (TCP)**

A TCP or construction traffic impact study is required by Caltrans for approval prior to construction for work within or adjacent to Caltrans R/W. The plans shall be prepared in accordance with Caltrans' manual – *Traffic Controls for Construction and Maintenance Work Zones*. Traffic restrictions and pedestrian/bicycle detours will also need to be addressed. All work proposed within the State R/W will require Lane and Shoulder Requirement Charts (LSRC). All roadway features (e.g. signs, pavement delineation, roadway surface, etc) within the State R/W must be protected, maintained in a temporary condition, and/or restored.

**Transportation Management Plan (TMP)**

A TMP will be required. The TMP must identify potential traffic delays and keep these delays within Caltrans maximum limits. Any proposed closures or detours during project construction must be approved by the District Traffic Manager. Construction activities affecting the traveling public may be limited by the LSRC and by the use of engineering judgment. All bus and rail transit providers affected by the project should be notified well in advance of construction in order to minimize any transit service disruptions.

**Environmental**

Caltrans will review and comment on specific project effects within and to the Caltrans R/W. All documents shall be sufficient for approval by Caltrans, as a CEQA responsible agency, NEPA participating agency (if applicable), and owner-operator of the SHS. All environmental studies and documents prepared to address effects within and to the Caltrans R/W shall contain the same or equivalent level of environmental analysis as found in the Caltrans' Standard Environmental Reference (<http://www.dot.ca.gov/ser> and <http://www.dot.ca.gov/ser/forms.htm>).

**Stormwater**

The Authority must also satisfy stormwater requirements by complying with the Caltrans Construction General Permit of July 1, 2010, the Caltrans MS-4 NPDES Permit, the Caltrans Stormwater Management Plan, and the Storm Water Quality Handbook - Project Planning and Design Guide (May 2007).

**Noise**

The Authority must address noise impacts caused by any changes in the vertical or horizontal alignment of a Caltrans roadway by following the Caltrans' Traffic Noise Analysis Protocol (August 2006).

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**Comment Letter S002 - Continued**

Mr. Dan Leavitt  
 April 26, 2010  
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*Visual Resources*

CEQA requires that potential visual impacts be assessed for the project and its alternatives. A project of this complexity will require preparation of a Visual Impact Assessment (VIA) technical report. Please refer to the guidelines in Chapter 27, Visual and Aesthetic Review of the Standard Environmental Reference at the following website:

S002-15

*Cultural Resources*

Historical properties are archaeological, architectural, and sacred sites pursuant to NEPA, section 106. Application and compliance of NEPA section 106 needs to be described as well as coordination with the state historical conservation officer. Please ensure appropriate terminology is used when addressing Resources and Sensitivity issues.

S002-16

**Encroachment/Project Development Work in Caltrans R/W**

Any work performed within Caltrans R/W will require discretionary review and approval by the Caltrans District in which it resides. Current policy allows highway improvement projects costing \$1 million or less to follow the Caltrans encroachment permit process. Highway improvement projects costing greater than \$1 million, but less than \$3 million, would be allowed to follow a streamlined project development process similar to the Caltrans encroachment permit process.

S002-17

Highway improvement projects priced at greater than \$3 million, or considered complex projects, would be required to adhere to the full Caltrans project development process (e.g. Project Initiation Documents [PIDs], Project Study Reports [PSRs], and Cooperative Agreements).

Construction within State Highway R/W must include the appropriate engineering plans consistent with Caltrans Standards and Specifications and signed and stamped by a professional engineer registered in the State of California. Depending on the extent of the encroachment, PIDs may also be required to provide more details on the project scope, cost and schedule as it impacts the SHS. The Caltrans Permit Manual contains a listing of typical information required for project plans.

S002-18

All design and construction must be in conformance with the Americans with Disabilities Act (ADA) requirements.

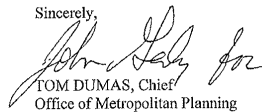
S002-19

The authority will not advertise the construction contract within Caltrans R/W until Caltrans issues an encroachment permit for the work. Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office.

S002-20

If you have any questions or concerns regarding these comments, please contact me at (209) 941-1921 or email [tom\\_dumas@dot.ca.gov](mailto:tom_dumas@dot.ca.gov).

Sincerely,



TOM DUMAS, Chief  
 Office of Metropolitan Planning

"Caltrans improves mobility across California"

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**Response to Letter S002 (Tom Dumas, Department of Transportation, April 26, 2010)**

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**S002-1**

Traffic impact and mitigation strategies are reviewed at the program level in Section 3.1, Traffic, Transit, Circulation, and Parking, of the 2008 Final Program EIR and Section 2.3, Revised Traffic Analysis: San Jose to Gilroy, of the 2010 Revised Draft Program EIR Material. As noted in both, a traffic impacts study will be conducted at the project-level, which will include a detailed evaluation of traffic, parking, pedestrian, bicycle, transit, construction and cumulative transportation impacts of the proposed HST project. This information will identify: (1) Changes in traffic volumes on regional roadways that result from HST construction and operations (2) Changes in traffic volumes on local streets that result from passengers accessing/leaving HST stations, from project construction, and from other HST related roadway changes, and the effect of these changed volumes on roadway operations and critical intersections. (3) The analysis of number of parking spaces required and the placement of the parking facilities will be evaluated. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods. (4) potential impacts to transit including potential for inadequate capacity of feeder bus service, potential for traffic congestion from project to disrupt or delay bus service that serve or run near stations or other transit operations. Potential impacts of project construction on transit service will also be evaluated in detail. (5) The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be included in project-level EIR/EIS. (6) Cumulative potential traffic impacts due to the proposed project. Detailed information and analysis of impacts

and feasible mitigation measures will be included in project-level EIS/EIR.

**S002-2**

Comment acknowledged. Coordination is occurring at all levels.

**S002-3**

Comment acknowledged. Coordination is occurring at all levels.

**S002-4**

Public Outreach is not an area identified by the Superior Court for further work to comply with CEQA and we note this is a comment on project level work, not the content of the Revised Draft Program EIR. However, it is the Authority's mission to be transparent and accountable to the people of California.

It is the Authority's goal to reach as many stakeholders and interested parties as possible with thorough, accurate information about the planned high-speed rail system and its progress. Those stakeholders and interested parties range from California residents and community groups to elected officials, the financial industry, international governments, and private businesses.

The Authority's outreach efforts occur on dual but complementary tracks. The first is the public engagement required as vital steps within the environmental review and planning process. This occurs on a section-by-section local level. The second track is general public awareness of the project, managed at the statewide level.

In the Bay Area's Peninsula, the Authority, the project management team and its regional management team have pursued a structured decision-making approach to better fit the high-speed train to the local communities it serves. Known as Context Sensitive Solutions, and offered as a tool by members of the local community, it is a collaborative, interdisciplinary approach that attempts to ensure input from all stakeholders. It is an approach that helps preserve and



enhance scenic, aesthetic, historic, community, and environmental resources, while improving or maintaining safety, mobility, and infrastructure conditions.

**S002-5**

See Response to Comment S002-1.

**S002-6**

See Response to Comment S002-1.

**S002-7**

Project-specific impacts to the state highway system and feasible mitigation measures will be analyzed and discussed in the project-level EIR/EIS. This will be documented in a Traffic, Transit, Circulation and Parking Report. Please see Response to Comment S002-1.

**S002-8**

The intercity highway improvements included as part of the No Project Alternative are identified by county in Appendix 2-A of the 2008 Final Program EIR.

**S002-9**

Close coordination with Caltrans, to include submission of engineering plans, will occur during subsequent alternative analysis and preliminary engineering phases of the project. Caltrans will have the opportunity to review, evaluate and comment on the proposed project's design to ensure conformance with Caltrans requirements..

**S002-10**

A Traffic Control Plan will be developed to mitigate potential adverse effects to highways and roadway Level of Service, disruption to transit service, parking, emergency access, and non-motorized travel identified to occur during project construction. A Traffic Control Plan or construction traffic impact study will be submitted to Caltrans for approval prior to construction for work within or adjacent to Caltrans right-of-way.

**S002-11**

Comment acknowledged. A Traffic Management Plan will be prepared during the construction phase of the project. All bus and rail transit providers affected by the project should be notified well in advance of construction in order to minimize any transit service disruptions.

**S002-12**

The Authority is working directly with Caltrans as part of a Master Agreement related to the HST project. Caltrans staff have been part of agency reviews of the environmental methodologies for project-level environmental studies. The project-level documents will utilize these methodologies and document formats for the HST program.

**S002-13**

Comment acknowledged.

**S002-14**

Comment acknowledged.

**S002-15**

Methodologies for project level environmental analyses were developed by the Authority and the FRA in consultation with agencies. An Aesthetics and Visual Quality Technical Report is being prepared at the project level. The methodology for this is similar to the Visual Impact Assessment in the Caltrans SER.

**S002-16**

Each of the HST segment project level environmental documents will comply with Section 106 of the National Historic Preservation Act. The previous program level environmental documents prepared by the FRA and the Authority have been done in compliance with Section 106 and coordination has occurred with the State Historic Preservation Office.

**S002-17**

The appropriate encroachment permit process will be followed in accordance with Caltrans requirements. Coordination for procurement of encroachment permits will occur with the Caltrans District office within which the proposed improvements reside.

**S002-18**

Plans for construction of improvements within the Caltrans right of way will be in accordance with Caltrans standards and specifications and will stamped and signed by a California professional engineer. In accordance with requirements of the PID process detailed information will be developed and submitted to Caltrans.

**S002-19**

The project will conform with all ADA requirements in accordance with State and Federal laws.

**S002-20**

Construction within Caltrans right-of-way would not start without first obtaining any necessary encroachment permit in accordance with Caltrans requirements.